

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Dwight Freeman,	:	
	:	
Plaintiff	:	Civil Action 2:09-cv-565
	:	
v.	:	Judge Marbley
	:	
Director Terry Collins, <i>et al</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

ORDER

This matter is before the Court on plaintiff's May 24, 2010 objection to the Magistrate Judge's May 13, 2010 Report and Recommendation recommending that the Ohio Department of Rehabilitation and Correction's March 30, 2010 motion for an order dismissing Plaintiff's Complaint against named individuals Barr, Batista, Bevins, Cadogan, Terry Collins, Comer, Gary Croft, Cynthia M Davis, Durham, Fields, Larry Green, T. Hill, Phillip Kerns, Al Louise, Lykins, Markins, L. Mautman, Joshua Maynard, Messer, Murphy, Owens, Pack, Mona Parks, Pearson, Porter, Dirk Prise, David See, Stalnaker, Lt. Stone, Welch, Witman, Woodard, and Sean Wright who are alleged to be a state employees in the above-captioned case for insufficiency of service of process pursuant to Fed. R. Civ. P. 12(4) and (b)(5) (doc. 20) be denied.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation and **DENIES** defendants' motion to dismiss for insufficiency of service of process. (Doc. 20).

In the Report and Recommendation, the Magistrate Judge ordered Freeman to provide the Court with copies of the exhibits that were attached to his complaint within thirty days. In his objection, Freeman maintains that he has sent the required number of complaints with the corresponding exhibits to the Clerk of Court. The Clerk of Court has informed me that only three complaints have been received from plaintiff.

Plaintiff has named thirty-four defendants. The Clerk of Court maintains that it has only received three complete copies of the complaint. Plaintiff is DIRECTED to provide thirty-one copies of his complaint with the corresponding exhibits within 30 days of the date of this Order. If plaintiff has evidence demonstrating that he previously mailed 34 copies of his complaint with the attached exhibits, he should submit that evidence to the Court within 30 days.

s/ Algenon L. Marbley
Algenon L. Marbley
United States District Judge